File No. 82
1910

Collection No.

Mysore Residency

7/3/47

Pros. / Serial Nos. 1—5

Subject.

Transfer of properties belonging to Bishop Cotton Schools to the Society for the propagation of the gospel in Foreign parts

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Previous References.	**Later References.**
F 26/81 F 321/89 F 377/01	

Office of the Collector and District Magistrate,
CIVIL & MILITARY STATION, BANGALORE.

Dated 14.3 1910

Dear Mr Fraser

I have been asked by Mr C B Seshagiri Row, acting on behalf of Sir Henry King Kt to lay the enclosed papers before you with a request that you will kindly accord sanction for the suit in the form attached.

Yrs sincerely

J J Richards

(2) 2

THE RESIDENT MYSORE

BANGALORE.

No. 1620
[illegible] 4

15th March 1910.

My dear Richards,

In returning herewith the papers forwarded with your D.O. letter dated the 14th March 1910, I would suggest your making an official application to the First Assistant Resident asking for sanction to the institution of the proposed suit in the District Court under Sections 92 and 93 of the Code of Civil Procedure. Sanction will then be accorded in -- the form of an official proceedings by the Local Government, which can be annexed to the plaint before it is ---- filed in Court.

Yours sincerely
S. M. Fraser.

F. J. Richards, Esq., I.C.S.,
Collector & District Magistrate,
C. & M. Station of Bangalore.
K.M.

18/3

R. P. B.—9-09.—300.

No. 1192 Enc: 4.

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.

Dated 17th March 1910.

ESIDENT'S OFFICE.
BANGALORE.
Register No. 1584.
Date of Receipt 18-3-10.
File No. [illegible]

From

F. J. Richards, Esq., I. C. S.,
COLLECTOR,
CIVIL AND MILITARY STATION,
BANGALORE.

To

Major W. G. Grey, I. A.,
THE FIRST ASSISTANT TO THE HONOURABLE THE RESIDENT
IN MYSORE.

SIR,

I have the honour to forward herewith a plaint to to be filed in the District Court, Civil and Military Station Bangalore, with reference to the transfer of the properties -- belonging to Bishop Cotton Schools to the Society for the -- Propogation of the Gospel in Foreign parts, and to request you will be so good as to obtain the sanction of the Hon'ble the - Resident to the institution of the proposed suit under sections 92 and 93 of the Code of Civil Procedure, Act V of 1908.

2. The Rev. G. H. Smith's letter on the subject and other --- connected papers are also enclosed for reference and return.

I have the honour to be,
Sir,
Your most obedient servant,
FJRichards
Collector.

Ad 16/3/10.

Draft proceedings submd
B.G.
18/3/10.

P
18/3/10

Res't

In accordance with your letter to Mr Richards. may issue?

W.G. 19/3

Madras,
10th March 1910.

From

Sir Henry King,
Solicitor,
Madras.

To

The Hon: Mr. S. M. Fraser, C.I.E., I.C.S.,
The Residency,
Bangalore.

Sir,

Under instructions from my client the Rev. G. H. Smith, the Secretary in Madras of the Society for the Propagation of the Gospel in Foreign Parts, I have the honour to send herewith the plaint to be filed in the District Court of the Civil and Military Station, Bangalore, with reference to the transfer of the properties belonging to Bishop Cotton Schools to the above mentioned Society, with a form of consent annexed thereto for your signature.

I understand, that you were present at a meeting of the Committee of the Bishop Cotton Schools recently held at Bangalore when the matter was ~~care~~fully discussed, and as the matter is doubtless still fresh in your memory, the reasons for sending the enclosed documents to you need no explanation.

I now have the honour to request that you will kindly sign the consent sent herewith annexed to the plaint where your initials are pencilled after first filling in the date, and return the same to Mr. Seshagiri Row, the Advocate, instructed to file the plaint and conduct the suit and who will hand this letter to you.

The plaint need not be signed by you.

I have, &c.,
(Sd.) H. C. King.

In the District Court of the Civil and Military Stn., Bangalore

O. S. No. of 1910.

In the matter of the Bishop Cotton Schools, Bangalore.

Between

The Collector of Bangalore..... Plaintiff.

and

Bertram Mitford Morton .... Defendant.

I, S. M. Fraser, C.I.E., I.C.S., the Resident in Mysore, Chief Commissioner and Judicial Commissioner of Coorg at present residing at the Residency, Bangalore, hereby sanction the institution of the above suit which is a suit filed by the Collector of Bangalore against the Rev. B. M. Morton to obtain a declaration authorising the transfer of all the lands and premises -- belonging to the Bishop Cotton Schools in Bangalore to the --- Society for the Propagation of the Gospel in Foreign parts and I hereby further sanction the exercise by the said Collector of Bangalore of the powers vested in him under Sections 92 and 93 of Act V of 1908.

Dated this day of 1910.

K.M.

Madras,
11th March 1910.

In the matter of Bishop Cotton's School, Bangalore.

I the undersigned for and on behalf of the Society for the Propagation of the Gospel in Foreign Parts hereby declare that the Society for the Propagation of the Gospel in Foreign Parts consents to and is desirous that the declaration, Orders, and relief asked for in the suit filed by the Collector of Bangalore against the Rev. B. M. Morton in respect of the property belonging to the above Schools be passed.

Dated this eleventh day of March 1910.

(Sd.) G. Herbert Smith,
Secretary, Madras Diocesan Committee Society for the Propagation of the Gospel in Foreign Parts.

K.M.

In the Dist: Court of the Civil & Military Station, Bangalore.

O. S. No. of 1910.

In the matter of Bishop Cotton Schools, Bangalore.

Between

The Collector of Bangalore. ...Plaintiff.

and

Bertram Mitford Morton. .. Defendant.

I, Frederick John Richards, the above named plaintiff hereby states as follows:-

1. The plaintiff is the Collector of Bangalore and resides at Bangalore.

The address of the plaintiff for the service of all notices and process is at the office of his Advocate C. B. Seshagiri Row of

Bertram Mitford Morton the above named defendant is a --- Clerk in Holy Orders and Chaplain of St. Mark's, Bangalore and resides at

2. This suit is brought by the said plaintiff with the sanction of the Hon'ble the British Resident in Mysore as --- appears from the writing filed herewith and marked with the -- letter 'A'.

3. By a deed of trust dated the 14th day of October 1871 and made between Charles Edward Putman of Bangalore of the one part and the Superintendent of Nundidroog Division, Bangalore the Church of England, Chaplain of the District and the Treasurer Bishop Cotton Schools of the other part all that -- piece or parcel of ground therein described which with the --- School and buildings now erected thereon and now occupied by the Bishop

Bishop Cotton Schools situate in Residency Road and St. Mark's Road in Bangalore aforesaid were conveyed and assigned by the said Charles Edward Putman to the said Superintendent of the Nundidroog Division, Church of England, Chaplain of the District and the Treasurer of the Bishop Cotton Schools to be held by them and their successors in office for and on behalf of the said schools and upon the trusts therein set forth. The said deed is filed herewith and marked as Exhibit **'B'**.

4. The office of the Commissioner of the Nundidroog -- Division and the Treasurer of the Bishop Cotton Schools have long since ceased to exist and the only office the holder of which was appointed a trustee by the said deed of the 14th day of October 1871 still remaining in existence is the office of Chaplain of the District who is at present the above named --- defendant.

5. The affairs and management of the said Bishop Cotton Schools is now vested in a Government body consisting of

1. The Official visitor:-

    The Right Reverend Lord Bishop of Madras.

2. The Vice president:-

    The Venerable the Archdeacon of Madras.

3. Members of Committee:-

    Chaplain of St. Marks.
    Chaplain of Holy Trinity.
    Chaplain of St. Johns &
    The incumbent of all Saints.

also the following members of the Church of England willing to serve:-

The President:-The Hon'ble British Resident in Mysore.
Vice President:-The Genl. Commanding the Bangalore Distt:

Members

Members of Committee.-The First Asstt. Resident, also un-
official members of the Committee
from time to time elected.

6. In and about the year 1887 the Committee of the ---- Schools purported to appoint the Archdeacon of Madras and the Hon'ble the British Resident in Mysore, Trustees of the properties in question and it is submitted that such appointment had no legal effect in vesting the said property in the said persons for the reason that the then Committee had no power -- legal or otherwise vested in them under which to make such --- appointments.

7. The said schools have been and are now maintained partly by public subscription, and for the better working of the schools and for the purpose of carrying out the trusts expressed in the hereinbefore mentioned deed of trust of the 14th day of October 1871 it is desired that the said land and premises and buildings now occupied and belonging to the Bishop Cotton Schools in Bangalore and forming the trust property --- should be vested in the Society for the Propagation of the Gospel in Foreign Parts.

8. As hereinbefore set forth the only trustee appointed by the hereinbefore recited deed now in existence is the defendant herein and it is humbly submitted that the said defendant as such sole trustee cannot legally transfer or deal with the said property or carry out the trusts of the said deed of the 14th day of October 1871.

9. The cause of action in this suit arose within the -- jurisdiction of the District Court of the Civil and Military Station, Bangalore, where the property the subject matter of the suit is situate.

The

10. The plaintiff prays:-

1. That the Society for the Propagation of Gospel in Foreign Parts may be appointed trustees of the property and effects belonging to and now occupied by the Bishop Cotton Schools in Bangalore aforesaid under the terms of the said deed of the 14th day of October 1871 with full power to dispose of or transfer the same as may for the purpose of the schools be considered desirable.

2. That the Chaplain of St. Marks be released from and discharged from the position of trustee.

3. That it be delcared that the said property do vest in the said Society.

4. That the cost of and incidental to this suit may when taxed between attorney and client be paid by the said Society.

5. For such further and other reliefs as to this Court may seem meet and the nature of the case may require

I Frederick John Richards the plaintiff above named do declare that what is stated in the above plaint is true to my knowledge except as to matters stated to be on information and belief and as to those matters I believe them to be true.

K.M.

PROCEEDINGS OF THE HON'BLE THE RESIDENT IN MYSORE.

--:oOo:--

No. 1774.
2-4

Dated Bangalore, the 22nd March 1910.

Read:-

Letter No.1192 dated the 17th March 1910, from the Collector, Civil and Military Station of Bangalore, soliciting sanction to the institution in the District Court of the said Station of a suit against the Reverend Bertram Mitford Morton, Chaplain of St. Marks, praying for the appoinment of the Society for the Propagation of Gospel in Foreign Parts as trustees of the property of the Bishop Cotton Schools in Bangalore and also for certain other reliefs.

ORDER.

Sanction is accorded to the institution of the proposed suit, under Sections 92 and 93 of the Code of Civil Procedure. 1908, as in force in the Civil and Military Station of Bangalore.

Major,
First Assistant Resident.

To

The Collector, Civil and Military Station of Bangalore,
with the enclosures to the letter read above, returned

K.M.

NGALORE.
Register No. 2166
Date of Receipt 14-4-10
File No. 12-4-1910

18/4/1

No. 170/Enc/1

167/4/w

OFFICE OF THE COLLECTOR,
CIVIL AND MILITARY STATION, BANGALORE.
Dated 12th April 1910.

FROM
F. J. Richards, Esq., I. C. S.,
COLLECTOR,
CIVIL AND MILITARY STATION,
BANGALORE.

TO
Major. W. G. Grey. I. A.,
~~The~~ FIRST ASSISTANT TO THE HONOURABLE THE RESIDENT
IN MYSORE.

SIR,

With reference to the proceedings of the Hon'ble the Resident No. 1774, dated the 22nd March 1910, regarding the institution of a suit against Reverend Bertram Mitford Morton, Chaplain of St. Marks, in the District Judge's Court of the Station, I have the honour to forward herewith for your information, copy of a letter dated 7th instant from Mr. C.B. Sheshagiri Row, Advocate.

re. 4

I have the honour to be,
Sir,
Your most obedient servant,
F. J. Richards
Collector.

M.D.G.
11/4/10.

May be recorded

15/4/10

W. 16/4

Recd

18/4/10

①

5/c

Letter dated the 7th April 1910, from Mr. C.B. Sheshagiri Row, Advocate, Bangalore, to the Collector Civil and --- Military Station Bangalore.

xxxxxxxxxxxxxxxxxxx

I have the honour to inform you that in the suit filed in the District Court against the Reverend Mr. Morton, the sole surviving trustee of the Bishop Cotton's School, the District Judge has passed a decree in the terms of the prayer in the plaint.

2. I shall obtain a copy of the decree and send it to Sir Henry King for further action.

xxxxxxxxxxxxxxxxxxxxxx

"COPY".

Collector.

M.D.S.
12/4/10.